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MEMO ENDORSED

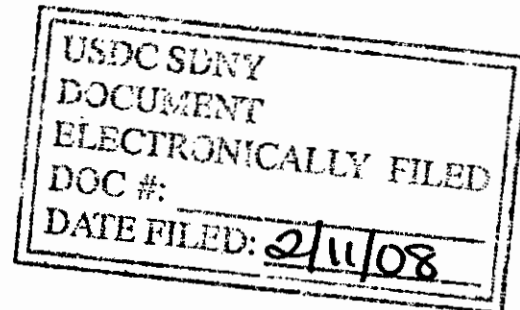
TELEPHONE 212 226 2376

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February 8, 2008

VIA FACSIMILE

Honorable Loretta A. Preska
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1320
New York, NY 10007



Re: Jose Zurita, et al. v. Aspen et al.
Case No. 07 cv 8063 (LAP)(HBP)

Dear Judge Preska:

As you are aware, this law firm represents defendants Aspen and Greg Brier (the "Defendants") in connection with the above referenced matter. Defendants write in response to Your Honor's order during the initial conference, held on January 25, 2008, requiring Defendants to identify what, if any, documents are in the Defendants' possession that are relevant to the Plaintiffs' claims.

At present, Defendants verify that the following documents are in their possession:

1. IRS Form W-2 Wage and Tax Statements for the year 2007 for the following Plaintiffs: (1) Anacleto Fernandez, (2) Pedro Pacheco, (3) Jose L. Zurita.
2. 21st Partners LLC's payroll records from April 5, 2007 through August 16, 2007.
3. Aspen's dinner reservation logs from March 30, 2006 through August 5, 2007, which demonstrate Aspen's hours of operation for its food service.

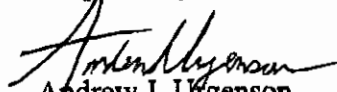
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Naturally, Defendants reserve the right to supplemental these disclosures with
(i) additional documents, if any, that become available after the date of this letter, and
(ii) testimony from witnesses with personal knowledge of the allegations in Plaintiffs' complaint.

Finally, while we are amenable to resolving this matter, in the event this case is not settled, we will require a confidentiality stipulation signed by Plaintiffs prior to any actual disclosure.

Thank you for your attention to this matter.

Respectfully submitted,

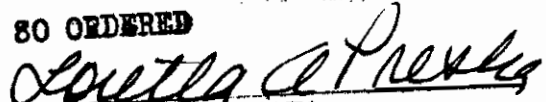

Andrew J. Urgenson

cc: Michael Faillace, Esq. (via facsimile)

Counsel shall confer and inform the Court by letter no later than February 14 how they propose to proceed.

February 8, 2008

80 ORDERED


LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE